

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|---------------------------------------|---|------------------------------------|
| SAMUEL GREGORY DORSEY |) | |
| Plaintiff, |) | |
| |) | |
| |) | |
| |) | No. 3:10-0887 |
| v. |) | Consolidated with 3:10-1006 |
| |) | Judge Sharp |
| DAVIDSON COUNTY SHERIFF'S |) | |
| OFFICE, R. TEMPLE, AND CORRECT |) | |
| CARE SOLUTIONS, |) | |
| |) | |
| Defendants. |) | |

ORDER

On September 1, 2011, the Magistrate Judge entered a Report and Recommendation (Docket No. 109), recommending that: (1) Defendants Davidson County Sheriff's Office's and Ricky Temple's Second Motion to Dismiss (Docket No. 33) and Defendant Ricky Temple's Cross-Motion for Summary Judgment (Docket No. 95) be granted and the claims against both Defendants be dismissed; (2) Defendants Correct Care Solutions' and Dr. Efren Vargas' Motion for Summary Judgment (Docket No. 43) be granted and the claims against both Defendants be dismissed; (3) Plaintiff's Motion for Partial Summary Judgment (Docket No. 83) be denied; and (4) Plaintiff's motions to amend (Docket Nos. 39 and 42) be denied. Despite being specifically advised in the Report and Recommendation that any objections to the recommended disposition needed to be filed within fourteen days, neither Plaintiff nor Defendants filed any objections.

Having conducted a *de novo* review of the matter in accordance with Fed. R. Civ. P. 72(b), the Court agrees with the Magistrate Judge's recommendations. Accordingly,

(1) The Report and Recommendation (Docket No. 109) is hereby ACCEPTED and APPROVED;

(2) Defendants Davidson County Sheriff's Office's and Ricky Temple's Second Motion to Dismiss (Docket No. 33) and Defendant Ricky Temple's Cross-Motion for Summary Judgment (Docket No. 95) are hereby GRANTED because Plaintiff has not shown that Defendant Davidson County Sheriff's Office is amenable to municipal liability under 42 U.S.C. § 1983, nor has Plaintiff shown that Defendant Temple ignored a substantial risk of serious harm to Plaintiff;

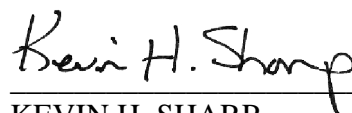
(3) Defendants Correct Care Solutions' and Dr. Efren Vargas' Motion for Summary Judgment (Docket No. 43) is hereby GRANTED because Plaintiff has not shown that Defendants were deliberately indifferent to a serious medical need;

(4) Plaintiff's Motion for Partial Summary Judgment (Docket No. 83) is hereby DENIED because Plaintiff has not shown that Defendants Correct Care Solutions' or Dr. Efren Vargas' medical care was so deficient that it amounted to a violation of the Constitution;

(5) Plaintiff's motions to amend (Docket Nos. 39 and 42) are hereby DENIED because Plaintiff has not shown any basis for a constitutional claim against Ms. Ping and Crystal Caner, nor has Plaintiff set forth factual allegations which satisfy the standards required for a claim of municipal liability against Metropolitan Government of Nashville and Davidson County; and

(6) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58. It is SO ORDERED.

A handwritten signature in black ink, reading "Kevin H. Sharp". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE